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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,221	01/22/2004	Heath E. Casaldi	0861069-0305608	2733
909	7590	01/11/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			PURVIS, SUE A	
			ART UNIT	PAPER NUMBER
			1734	
DATE MAILED: 01/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,221

Applicant(s)

CASALDI ET AL.

Examiner

Sue A. Purvis

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 23-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,11-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 2,7,9,10 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/04, 8/04, 1/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 23-31 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04 October 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kerwin (US Patent No. 4,239,570).

Regarding claim 1, Kerwin discloses a housing frame (10), a supply roll (111) rotatably mounted to the housing (10), a take-up roll (121) rotatably mounted to the housing, and an application head or section (14). The application head (14) includes a plurality of rollers (72, 73, 75, 76) which rotate about parallel axes spaced apart from each

Art Unit: 1734

other, and a closed-loop belt (71) trained about the rollers including a transfer surface spaced outwardly to carry the label being applied. (See Figures 1, 2, and 5.)

As to claim 3, Kerwin discloses the belt (71) being made of silicone rubber. (Col. 3, lines 24-26.)

As to claim 4, as shown in Figure 2 of Kerwin, the rollers are substantially the same size and configuration.

As to claims 5 and 6, while Kerwin does not teach using a liner having silicone as set forth in the claim, the liner is in fact *material worked upon* by the apparatus and does not further limit an apparatus claimed, as explained in MPEP §2115. The apparatus of Kerwin is capable of handling a liner with silicone thereon.

4. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuchek et al. (US Patent No. 4,046,613).

Regarding claim 1, Kuchek discloses a housing structure (13), a supply roll (21) rotatably mounted to the housing (13), a take-up roll (27) rotatably mounted to the housing, and an application head or section (15). The application head (15) includes a label belt transport (35), an embodiment of which is shown clearly in Figure 3. The application head includes a plurality of rollers (57) which rotate about parallel axes spaced apart from each other, and a closed-loop belts (35) trained about the rollers including a transfer surface spaced outwardly to carry the label being applied. (See Figures 1 and 3.)

As to claim 8, also included in Kuchek, which is a definite length transfer device, is an advancer or drive rollers (25) which are operatively connected to the take-up roll and configured to advance the liner to the take-up reel (27) effecting the advancement of the liner.

5. Claims 11-18, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US Patent No. 6,730,186 B2).

Art Unit: 1734

Regarding claims 11 and 22, Takahashi discloses a coating film transfer device including a housing (12) defining a cartridge receiving space, extension members (1211, 1212, 1213, 1214) slidably connected to the housing for rectilinear movement, and cartridge support as seen in Figures 3 and 4. The device in Takahashi is constructed to be moveable between an extended position and a retracted position, whereby in the extended position the cartridge having the supply roll (5) and take-up roll (4) are mounted on the cartridge support. With respect to claim 22, Takahashi also includes supply and take-up rolls (4, 5) as part of the cartridge.

As to claims 12 and 13, the transfer device in Takahashi includes an application head (3) provided on the cartridge support. (See Figure 3.)

As to claim 14, the application head (3) moves from a outward position to an inward position along with the cartridge support.

As to claims 15 through 18, the head (3) includes an end cap portion (2) which is complementary to the cartridge receiving opening, to close the opening. (See Figure 2.)

As to claim 20, Takahashi is an indefinite length transfer device. (See Figure 26.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi as applied to claim 11 above, and further in view of Samuelson et al. (US Patent No. 5,316,613).

Art Unit: 1734

Takahashi is geared toward indefinite length transfer device where the material is torn and not sectionally placed on the web for transfer. However, it is appreciated that the device of Takahashi is capable of handling the web material typically used in definite transfer devices, but there is no teaching therein for an advancer operatively connected to the take-up roll to cause rotation in an indexing manners as required by claim 21.

Samuelson discloses a definite length transfer device including advancing means (48) operatively connected to the take-up roll to cause rotation thereof in an indexing manner. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include an advancing means in the device of Takahashi, as taught by Samuelson, to enable the carrying tape to sequentially be advanced in Takahashi to accommodate the definite length material.

Allowable Subject Matter

8. Claims 2, 7, 9, 10, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis
Primary Examiner
Art Unit 1734

SP
January 8, 2006